

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAJAH S. IKKER,

INDEX NUMBER: 1:15-cv-06975

Plaintiff,
-against-

THE CITY OF NEW YORK, MAYOR
WILLIAM DeBLASIO, WILLIAM
BRATTON, POLICE COMMISSIONER
OF THE CITY OF NEW YORK and
POLICE OFFICER BRIAN DOYLE,
POLICE OFFICER DARION FRANCIS, and
“ JOHN SMITH” Officers of the 77th
Precinct,

AMENDED COMPLAINT
JURY TRIAL REQUESTED

GERSHON, J.
BLOOM, M.J.

Defendants.

Plaintiff as of for a complaint respectfully alleges:

JURISDICTION

1. Jurisdiction of the court is by reason of Article III of the U.S. Constitution; 42 US Code 1983 in that the causes of complained of arose by reason of the Defendant’s actions under color of state authority which violated the Plaintiff’s rights conferred by the US Constitution 14th and 4th Amendments.: Pendent state action jurisdiction is founded upon the allegation that the state cause of action arose from the same incident upon which the Federal claims are based. Venue is based on the residence of the Plaintiff is in the Eastern District of New York.

THE PARTIES

2. At all times hereinafter mentioned, the Plaintiff was and still is a citizen of the State of New York, Richmond County.

3. At all times hereinafter mentioned the defendant City of New York was and still is a municipality existing under the laws of the State of New York; the Defendant William DeBlasio is Mayor of the City of New York as Chief Executive Officer and successor to Michael Bloomberg, the Defendant William Bratton is Police Commissioner of the City of New York and successor to Raymond Kelly, and Police Officer "John" Doyle, Police Officer "John Doe" in car 8548, and Police Officer "John Smith," in car 5657, officers of the 77th Precinct, full names unknown, more particularly known to the Defendants.

FACTUAL ALLEGATIONS

4. On or about June 12, 2015 at approximately 4:00 p.m. on Eastern Parkway between Schenectady Avenue and Utica Avenue in the Borough of Brooklyn County of Kings, City and State of New York, the Plaintiff Rajah S. Ikker was approached by several Police Officers whose names are known by the defendants, one of whom had a last name Doyle, the police officers, acting under color of state authority asked where is the knife and if he had any weapons. The Plaintiff was thrown to the ground, illegally searched and brutally beaten and assaulted and left on the street bleeding.

5. Plaintiff was assaulted by Officer Doyle and several other Officers from the 77th Precinct. Two of the Police cruises had upon information and belief had identification plate numbers of 8548 and 5657. By reason of the assault on the Plaintiff, the Plaintiff was treated at Richmond University Medical Center Staten Island NY on June 13, 2015.

AS OF FOR A FIRST CAUSE OF ACTION, ASSAULT AND BATTERY VIOLATION OF THE FOURTEENTH AND FOURTH AMENDMENTS U.S. CONSTITUTION.

6. Plaintiff repeats and reiterate each and every allegation of paragraph 1-4 as if more fully set forth herein at length.

7. The Plaintiff was intentionally seized , searched and assaulted, without justification by the Defendants “John” Doyle, “John Smith”, “John Doe” acting under color of state authority causing the Plaintiff severe personal injury and trauma requiring medical attention.

8. The Plaintiff was not arrested or charged with any criminal offense.

9. By reason whereof the Plaintiff was damaged in the sum of \$2,000,000.00 or such other amount as may be deemed appropriate upon trial of the action.

AS OF FOR A SECOND CAUSE OF ACTION, FAILURE TO TRAIN AND SUPERVISE

10. Plaintiff repeats and reiterates each and every allegation of paragraph 1-8 as if more fully set forth herein at length.

11. The assault and battery by the Police Officers of the 77th Precinct was the proximate result of the failure of the Defendants The City of New York, Mayor DeBlasio and Police Commissioner Bratton, and their predecessors , to train, supervise, and monitor the actions of the defendants to compel compliance with acceptable police interaction with the Plaintiff and members of the public.

12. By reason whereof the Plaintiff was damaged in the sum of \$2,000,000.00 or such other amount as may be deemed appropriate upon trial of the action.

AS AND FOR A THIRD CAUSE OF ACTION PENDANT STATE ACTION

13. Plaintiff repeats and reiterates each and every allegation of paragraphs 1 through 12
If more fully set forth herein at length.

14. The defendants, acting under color of state authority did cause the plaintiff personal
Injuries by reason of assault and battery without just cause.

15. A notice of claim was timely served on the defendant City of New York.

16. By reason whereof the Plaintiff was damaged in the sum of \$2,000,000.00 or such
other amount as may be deemed appropriate upon trial of the action.

RELIEF REQUESTED

17. BY REASON WHEREOF the Plaintiff respectfully requests judgment against the
Defendants in the first cause of action in the sum of \$2,000,000.00 or such other amount as may
be deemed appropriate upon trial of the action , together with punitive damages in such amount
as may be deemed appropriate upon trial; and the Plaintiff respectfully requests judgment against
the Defendants in the second cause of action in the sum of \$2,000,000.00 or such other amount
as may be deemed appropriate upon trial of the action, and the Plaintiff respectfully requests
judgment against the Defendants in the third cause of action in the sum of \$2,000,000.00 or such
other amount as may be deemed appropriate upon trial of the action, together with costs and
reasonable attorney fees.

Dated: April 7, 2016



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